

AMENDED IN SENATE MAY 6, 2009
AMENDED IN SENATE APRIL 27, 2009

SENATE BILL

No. 742

Introduced by Senator Romero

February 27, 2009

An act to add *and repeal* Article 5 (commencing with Section 52065) ~~to~~ of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as amended, Romero. School accountability: lowest performing public schools.

(1) The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually.

The act also establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth, it is deemed a

state-monitored school and the Superintendent is required to take specified actions with regard to the school.

This bill would establish an advisory committee to the Superintendent for the purpose of making recommendations to the state board on how to identify the 10 historically lowest performing public schools in the state, as specified. The bill would require the advisory committee to make these recommendations to the Superintendent by July 1, 2010. The Superintendent would be required to make recommendations to the state board by August 15, 2010, and the Superintendent and the state board would be required to jointly approve the criteria to be used in identifying the 10 historically lowest performing public schools in the state, as specified.

The bill would require the state board and the Superintendent, on or before November 1, 2010, and each year thereafter, to identify and update as appropriate a list of the 10 lowest performing public schools in the state. The bill would require the Superintendent, within 30 days of making this determination, to provide each employee and parent or guardian of a child enrolled or requesting to be enrolled in a school identified for or removed from the list a notice containing specified information.

The bill, contingent upon the availability of funding for these purposes, would require the Superintendent and the state board to direct each identified school to take at least one of 3 specified actions, including restructuring the internal operations of the school, operating the school under the oversight of a nonprofit management organization, as specified, or reopening as a public charter school, as specified. The bill would include additional options for the Superintendent and state board to select from if the identified school is a charter school. *The bill would require the State Department of Education to contract for an independent evaluation of the accountability measures established by this bill's provisions, and to submit this evaluation to the chairpersons of the Joint Legislative Budget Committee, the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Education, the Senate Committee on Education, the Governor, and the Director of Finance by no later than March 1, 2015.*

Because this bill would require schools identified as the historically lowest performing public schools in the state to take specified actions, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) *This bill would make these provisions inoperative on July 1, 2016, and would repeal them as of January 1, 2017.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 52065) is added to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 5. Accountability Measures for the 10 Historically
Lowest Performing California Public Schools

52065. (a) There is hereby created an advisory committee to the Superintendent for the purpose of making recommendations to the state board on how to identify the 10 historically lowest performing public schools in the state.

(b) Members of the advisory committee shall serve without compensation and at the pleasure of their appointing body as follows:

(1) One member appointed by the Governor to serve as a cochair.

(2) One member appointed by the Superintendent to serve as a cochair.

(3) One member appointed by the President pro Tempore of the Senate.

(4) One member appointed by the Speaker of the Assembly.

~~(5) One member appointed by the largest association representing administrators in the state.~~

~~(6) One member appointed by the largest association representing parents in the state.~~

~~(7) One member appointed by the largest association representing certificated employees in the state.~~

~~(8) One member appointed by the second largest association representing certificated employees in the state.~~

~~(9) One member appointed by the largest local association representing certificated employees in the state.~~

~~(10) One member appointed by the largest association representing classified employees in the state.~~

~~(11) One member appointed by the largest association representing school boards in the state.~~

~~(12) One member appointed by the largest association representing charter schools in the state.~~

(5) Eight members appointed by the Superintendent from persons nominated by the members appointed pursuant to paragraphs (1) to (4), inclusive. These members shall be nominated by the members appointed pursuant to paragraphs (1) to (4), inclusive, for their experience, understanding, and expertise in addressing the renewal of public schools.

(c) (1) By July 1, 2010, the advisory committee shall make recommendations to the Superintendent regarding all of the following:

(A) The criteria the Superintendent and the state board should use to jointly identify public schools subject to the list required in Section 52066. In making recommendations regarding these criteria, the committee shall consider the results of the California Standards Test, the Academic Performance Index, adequate yearly progress pursuant to the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), dropout and graduation rates, and any other objective measures it deems appropriate to recommend to the Superintendent.

(B) The conditions that must exist for a school to be removed from the list established pursuant to Section 52066.

(2) On or before August 15, 2010, the Superintendent shall make recommendations on the criteria and conditions described in paragraph (1) to the state board, and on or before October 1, 2010, the Superintendent and the state board shall jointly approve these criteria and conditions.

~~SEC. 2. Section 52066 is added to the Education Code, to read:~~

52066. (a) On or before November 1, 2010, and each year thereafter, the state board and the Superintendent, using the criteria

1 established pursuant to Section 52065, shall jointly identify and
2 update as appropriate a list of the 10 historically lowest performing
3 public schools in the state.

4 (b) Within 30 days of making the determination in subdivision
5 (a), the Superintendent shall notify each local educational agency
6 responsible for oversight of a public school that is identified and
7 require the governing board to provide each employee and parent
8 or guardian of a child enrolled or requesting to be enrolled in a
9 school that was identified for or removed from the list described
10 in subdivision (a) a notice from the Superintendent that shall
11 include at least all of the following:

12 (1) The specific reasons why the school was identified for or
13 removed from the list of the 10 historically lowest performing
14 public schools.

15 (2) The latest copy of the school's accountability report card,
16 schoolwide and subgroup results of the California Standards Test,
17 the Academic Performance Index, adequate yearly progress
18 findings pursuant to the federal Elementary and Secondary
19 Education Act (20 U.S.C. Sec. 6301 et seq.), dropout and
20 graduation rates, if applicable, and any other measures the
21 Superintendent deems appropriate.

22 (3) Information regarding all state and federal intradistrict and
23 interdistrict public school transfer options and publicly funded
24 academic supplemental services available to pupils enrolled in the
25 school.

26 ~~SEC. 3. Section 52067 is added to the Education Code, to read:~~

27 52067. (a) Upon identifying a school pursuant to Section
28 52066, the Superintendent and the state board shall direct the local
29 educational agency responsible for each identified school to
30 evaluate the reasons for the determination and initiate at least one
31 of the following locally developed renewal efforts approved by
32 the local educational agency in a public hearing and effective no
33 later than the subsequent school year following the notification in
34 Section 52066:

35 (1) To the extent not otherwise prohibited under law, restructure
36 the internal operations of the school, which may include, but is
37 not necessarily limited to, school leadership, certificated and
38 classified staff, and curriculum, based on a plan jointly approved
39 by the Superintendent and the state board.

(2) To the extent not otherwise prohibited under law, operate the school under the oversight of a nonprofit management organization with which the Superintendent and the state board have jointly entered into a contract.

(3) Reopen as a public charter school jointly approved by the local educational agency, the Superintendent, and the state board.

(b) If a school identified pursuant to subdivision (a) of Section 52066 is a charter school, the Superintendent and the state board shall jointly direct the local educational agency responsible for oversight of the identified charter school to do at least one of the following:

(1) Perform the actions specified in either paragraph (1) or (2) of subdivision (a).

(2) Reopen the school under the management of a statewide benefit charter management organization based on a plan approved jointly by the Superintendent and the state board.

(3) Facilitate a review of the school by the Superintendent pursuant to Section 47604.5 and facilitate the implementation of the appropriate action, if any, directed by the state board pursuant to any findings made pursuant to Section 47604.5.

(c) If the Director of Finance determines that sufficient federal funds are not available to implement the renewal efforts pursuant to this section for the budget year, the Director of Finance shall notify the Superintendent and the state board, and within 45 days, all of the following shall occur:

(1) The Superintendent and the state board shall determine whether any federal funding is available, and if so, shall determine how that funding could be best allocated to facilitate renewal efforts for the lowest performing schools on the list.

(2) After making the determinations described in paragraph (1), the Superintendent and the state board shall develop a budget request for state funding to implement the remaining schools' renewal efforts in priority order and submit the request to the Department of Finance and the Legislature and notify these schools that the Legislature is considering the request, but that the renewal plans required by this section are recommended but not mandatory until the Legislature acts on the budget request pursuant to paragraph (3) of this subdivision.

(3) If the Legislature makes additional funding available to supplement any available federal funds for the implementation of

1 renewal efforts after considering and approving a budget request
2 submitted pursuant to paragraph (2), and designates specifically
3 which renewal efforts and for which of the remaining 10 schools
4 identified pursuant to subdivision (a) of Section 52066, the state
5 aid is available, the requirements of this section shall be
6 implemented for those schools in the budget year.

7 *52068. The department shall contract for an independent*
8 *evaluation of the program established by this article. The costs of*
9 *the evaluation shall be paid for from funds appropriated to the*
10 *department in the Budget Act. The evaluation shall determine*
11 *whether this program has been effective in improving pupil*
12 *achievement and shall identify components of successful school*
13 *renewal. The evaluation shall be submitted, no later than March*
14 *1, 2015, to the chairpersons of the Joint Legislative Budget*
15 *Committee, the Assembly Committee on Budget, the Senate*
16 *Committee on Budget and Fiscal Review, the Assembly Committee*
17 *on Education, the Senate Committee on Education, the Governor,*
18 *and the Director of Finance.*

19 *52069. This article shall become inoperative on July 1, 2016,*
20 *and, as of January 1, 2017, is repealed, unless a later enacted*
21 *statute, that becomes operative on or before January 1, 2017,*
22 *deletes or extends the dates on which it becomes inoperative and*
23 *is repealed.*

24 ~~SEC. 4.~~

25 *SEC. 2.* If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.